

Assembly Bill No. 1088

CHAPTER 312

An act to amend Section 51.6 of the Civil Code, relating to civil rights.

[Approved by Governor September 18, 2001. Filed
with Secretary of State September 19, 2001.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1088, Jackson. Civil rights: gender discrimination.

Existing law provides that no business establishment may discriminate, with respect to the price charged for services of similar or like kind, against a person because of the person's gender. Existing law specifies however that it does not prohibit price differences, specifically based upon the amount of time, difficulty, or cost of providing the services.

This bill would require specified business establishments to disclose in writing the pricing for each standard service, as defined, to display, in a specified manner, a sign stating that it is illegal to base pricing on gender and that a complete price list is available upon request, and to display, in a specified manner, a price list, and to provide the customer with a copy of the complete price list upon request. The bill would provide that a business establishment failing to correct a violation of these requirements within 30 days of receiving written notice of a violation is liable for a civil penalty of \$1,000.

The people of the State of California do enact as follows:

SECTION 1. Section 51.6 of the Civil Code is amended to read:

51.6. (a) This section shall be known, and may be cited, as the Gender Tax Repeal Act of 1995.

(b) No business establishment of any kind whatsoever may discriminate, with respect to the price charged for services of similar or like kind, against a person because of the person's gender.

(c) Nothing in subdivision (b) prohibits price differences based specifically upon the amount of time, difficulty, or cost of providing the services.

(d) Except as provided in subdivision (f), the remedies for a violation of this section are the remedies provided in subdivision (a) of Section 52. However, an action under this section is independent of any other remedy or procedure that may be available to an aggrieved party.

(e) This act does not alter or affect the provisions of the Health and Safety Code, the Insurance Code, or other laws that govern health care service plan or insurer underwriting or rating practices.

(f) (1) The following business establishments shall clearly and conspicuously disclose to the customer in writing the pricing for each standard service provided:

- (A) Tailors or businesses providing aftermarket clothing alterations.
- (B) Barbers or hair salons.
- (C) Dry cleaners and laundries providing services to individuals.

(2) The price list shall be posted in an area conspicuous to customers. Posted price lists shall be in no less than 14-point boldface type and clearly and completely display pricing for every standard service offered by the business under paragraph (1).

(3) The business establishment shall provide the customer with a complete written price list upon request.

(4) The business establishment shall display in a conspicuous place at least one clearly visible sign, printed in no less than 24-point boldface type, which reads: “CALIFORNIA LAW PROHIBITS ANY BUSINESS ESTABLISHMENT FROM DISCRIMINATING, WITH RESPECT TO THE PRICE CHARGED FOR SERVICES OF SIMILAR OR LIKE KIND, AGAINST A PERSON BECAUSE OF THE PERSON’S GENDER. A COMPLETE PRICE LIST IS AVAILABLE UPON REQUEST.”

(5) A business establishment that fails to correct a violation of this subdivision within 30 days of receiving written notice of the violation is liable for a civil penalty of one thousand dollars (\$1,000).

(6) For the purposes of this subdivision, “standard service” means the 15 most frequently requested services provided by the business.

